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June 7, 2018

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Secretary of State Brian Kemp
Georgia State Election Board, Chairperson
214 State Capitol
Atlanta, Georgia 30334

Re: *Dan Gasaway v. Brian Kemp, Georgia Secretary of State, et al.*,
Civil Action No. (To be Assigned)
Superior Court of Fulton County, State of Georgia

Dear Mr. Kemp:

Enclosed please find a service copy of the *Petition to Contest Election Results & Request for New Election – May 22, 2018 Republican Party Primary Election – Georgia House of Representatives District 28* filed in the above-referenced matter in Fulton Superior Court on June 6, 2018. This copy is being sent pursuant to O.C.G.A. § 21-2-524(b), which provides that the Chairperson of the Georgia State Election Board shall be served by certified or registered mail, or statutory overnight delivery.

Thank you for your attention to this matter, and please let me know if you have any questions.

Very truly yours,

Jake Evans

Enclosure

EXHIBIT

3

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

DAN GASAWAY,)	
)	
Petitioner,)	
)	
v.)	Civil Action File No.: _____
)	
BRIAN KEMP, Georgia Secretary)	
of State & Chairman of State Elections)	
Board, LAUREL ELLISON, Habersham)	
County Elections Supervisor, and CHRIS)	
ERWIN, Republican Nominee for Georgia)	
House District 28 – May 22, 2018.)	
)	
Respondents.)	

**PETITION TO CONTEST ELECTION RESULTS & REQUEST FOR NEW ELECTION
MAY 22, 2018 REPUBLICAN PARTY PRIMARY ELECTION
GEORGIA HOUSE OF REPRESENTATIVES DISTRICT 28**

INTRODUCTION

This Petition (“Petition”) to contest the election results for the May 22, 2018 Republican Party Primary (“Election”) for Georgia House of Representatives District 28 (“HD 28”)¹ is submitted pursuant to the Georgia Election Code, O.C.G.A. § 21-2-520 *et seq.* This Petition should be granted because the Habersham County Board of Elections and Registration’s (the “Board”) improper administration of the Election caused irregularities in the Election, caused illegal votes to be cast in the Election, and caused voters to be denied their right to franchise. These irregularities and illegal votes were sufficient to change or place in doubt the Election’s result. Thus, the Election should be set aside and a new election should be ordered.

¹ A true and correct copy of a map representing Georgia House of Representatives District 28 is attached as Exhibit “A”.

The Board allocated voters in Habersham County to the wrong State House district. The Board's failure led to voters in House District 10 ("HD 10") receiving ballots for the HD 28 Election, and voters in HD 28 receiving ballots for the HD 10 election. Voters that should not have voted in the Election did, and voters that should have voted in the Election did not. This cross-contamination, caused by the Board's mistake, resulted in at least 22 voters in HD 28 being denied their right to vote for their state house representative, and 45 voters in HD 10 voting in a contest that they were ineligible for. The Election was decided by only 67 votes, and at least 67 votes came from misallocated voters. Because the number of votes meets the number of votes constituting the margin of victory in HD 28, the Election results should be thrown out and a new election should be ordered.

PARTIES

1.

Petitioner Dan Gasaway ("Petitioner" or "Gasaway") is the current Representative for HD 28. He is a resident of HD 28, residing at 1446 Scales Creek Road, Homer, Georgia 30547. He was also a candidate for re-election in the Election. Pursuant to O.C.G.A. § 21-2-521, he is eligible to file this Petition.

2.

Defendant Brian Kemp ("Secretary" or "Kemp") is Georgia's Secretary of State and Georgia's Chief Elections Official. Pursuant to O.C.G.A. § 21-2-499, the Secretary is required to tabulate, compute, and canvass the results of state elections. The Secretary also certifies the final results of all state elections.

3.

Defendant Laurel Ellison (“Ms. Ellison”) is the Habersham County Elections Supervisor. Ms. Ellison’s address is 160 Ponce De Leon Drive, Clarkesville, Georgia 30523.

4.

Defendant Chris Erwin (“Erwin”) was the candidate that opposed Dan Gasaway in the HD 28 Election. Erwin’s address is P.O. Box 501029, Atlanta, Georgia 31150.

JURISDICTION & VENUE

5.

Jurisdiction is proper in this Court pursuant to O.C.G.A. § 21-2-523(a) as the county where defendant Kemp resides.

6.

This Petition was timely filed with this Court. The Secretary certified the Election results on Friday, June, 1, 2018. This Petition was filed within five days of the certification pursuant to O.C.G.A. § 21-1-524(a).

7.

Venue is proper for this Court.

8.

An affidavit executed by the Petitioner verifying this Petition is contained with this Petition and filed herewith as attached Exhibit “B”.

FACTUAL BACKGROUND

9.

County election officials are responsible for allocating voters to correct legislative districts.

10

The Joint Office of Legislative and Congressional Reapportionment (the “Office”) assists counties in allocating voters to the proper legislative district. The Office also provides maps that meet state law requirements.

11.

Voters are assigned ballots containing specific legislative district races based on the designation assigned to them by county boards of elections and registration.

12.

The Board breached this duty, though, by assigning voters in the Election to the wrong State House districts, causing illegal votes to be cast and disenfranchising voters.

13

The Election was held on May 22, 2018. Erwin finished in first place in the Election with 3111 votes to Gasaway’s 3044 (a margin of 67 votes).

14.

The Election was certified by the Secretary of State on Friday, June 1, 2018.

15.

Katie Hartrick observed that the race for HD 10, instead of the race for HD 28, appeared on her ballot despite her living in HD 28. Ms. Hartrick’s husband, Ryan Hartrick, also observed that the race for HD 10, instead of the race for HD 28, appeared on his ballot despite him living

in HD 28. The Hartricks executed affidavits affirming these facts and are attached as Exhibit “C”.

16.

Using voter registration data provided from the Secretary of State’s office, Gasaway plotted the location of voters on a map provided by the Office using Microsoft Map Point.

17.

By plotting the locations of voters, Gasaway realized that voters with addresses in his district were included on the list of HD 10 voters and not on the list for HD 28 voters. Ultimately, Gasaway found at least 350 voters that had been assigned to the incorrect Georgia State House of Representatives district.

18.

All of the affected voters reside in Habersham County.

19.

Next, using the Habersham County Numbered List of Voters provided by the Secretary of State’s office and the Habersham County Absentee Voter File provided by the Secretary of State’s office, Gasaway found that at least 67 of the 350 voters voted in the Election. A true and correct copy of the Numbered List of Voters is attached as Exhibit “D”.

Voters Assigned to HD 10 that Live in HD 28

20.

John William Kaniewski resides at 411 Linwood Dr, Demorest, GA 30535-5369, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that John William

Kaniewski was assigned to House District 10 in error. John William Kaniewski voted in the May 22, 2018 General Primary Election.

21.

Charles M. Miller resides at 386 Chenocetah Dr, Cornelia, GA 30531-3807, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Charles M. Miller was assigned to House District 10 in error. Charles M. Miller voted in the May 22, 2018 General Primary Election.

22.

Sarah E. Smith resides at 294 Wilson Rd, Cornelia, GA 30531-5560, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Sarah E. Smith was assigned to House District 10 in error. Sarah E. Smith voted in the May 22, 2018 General Primary Election.

23.

Casey Aaron Dover resides at 253 Sterling Meadows Dr, Demorest, GA 30535-5195, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Casey Aaron Dover was assigned to House District 10 in error. Casey Aaron Dover voted in the May 22, 2018 General Primary Election.

24.

Alice Cates Dover resides at 253 Sterling Meadows Dr, Demorest, GA 30535-5195, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Alice Cates

Dover was assigned to House District 10 in error. Alice Cates Dover voted in the May 22, 2018 General Primary Election.

25.

Katie Joy Hartrick resides at 620 Elderberry Ct, Demorest, GA 30535-5374, Habersham County. Exhibit "A" demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Katie Joy Hartrick was assigned to House District 10 in error. Katie Joy Hartrick voted in the May 22, 2018 General Primary Election.

26.

Ryan Nicholas Hartrick resides at 620 Elderberry Ct, Demorest, GA 30535-5374, Habersham County. Exhibit "A" demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Ryan Nicholas Hartrick was assigned to House District 10 in error. Ryan Nicholas Hartrick voted in the May 22, 2018 General Primary Election.

27.

Barbara Harper King resides at 321 Sterling Meadows Ct, Demorest, GA 30535-5196, Habersham County. Exhibit "A" demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Barbara Harper King was assigned to House District 10 in error. Barbara Harper King voted in the May 22, 2018 General Primary Election.

28.

Kevin Nelson King resides at 321 Sterling Meadows Ct, Demorest, GA 30535-5196, Habersham County. Exhibit "A" demonstrates that this address is within the boundaries of

Georgia House District 28. However, Georgia voter registration records show that Kevin Nelson King was assigned to House District 10 in error. Kevin Nelson King voted in the May 22, 2018 General Primary Election.

29.

Dustin Thomas Mealor resides at 408 Chenocetah Dr, Cornelia, GA 30531-3854, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Dustin Thomas Mealor was assigned to House District 10 in error. Dustin Thomas Mealor voted in the May 22, 2018 General Primary Election.

30.

Hope Green Mealor resides at 408 Chenocetah Dr, Cornelia, GA 30531-3854, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Hope Green Mealor was assigned to House District 10 in error. Hope Green Mealor voted in the May 22, 2018 General Primary Election.

31.

Pam W. Miller resides at 386 Chenocetah Dr, Cornelia, GA 30531-3807, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Pam W. Miller was assigned to House District 10 in error. Pam W. Miller voted in the May 22, 2018 General Primary Election.

32.

Richard Allen Smith resides at 294 Wilson Rd, Cornelia, GA 30531-5560, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Richard Allen Smith was assigned to House District 10 in error. Richard Allen Smith voted in the May 22, 2018 General Primary Election.

33.

Jana Celeste Ward resides at 436 Ansley Rd, Demorest, GA 30535-5101, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Jana Celeste Ward was assigned to House District 10 in error. Jana Celeste Ward voted in the May 22, 2018 General Primary Election.

34.

Doris E. Wilson resides at 349 Wilson Rd, Cornelia, GA 30531-5567, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Doris E. Wilson was assigned to House District 10 in error. Doris E. Wilson voted in the May 22, 2018 General Primary Election.

35.

Kenneth Eugene Brooksher resides at 574 Grand Ave, Cornelia, GA 30531-3813, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Kenneth

Eugene Brooksher was assigned to House District 10 in error. Kenneth Eugene Brooksher voted in the May 22, 2018 General Primary Election.

36.

Sheri Laine Allen resides at 472 Linwood Dr, Demorest, GA 30535-5373, Habersham County. Exhibit "A" demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Sheri Laine Allen was assigned to House District 10 in error. Sheri Laine Allen voted in the May 22, 2018 General Primary Election.

37.

Kale Brandon Allen resides at 472 Linwood Dr Apt F, Demorest, GA 30535-5373, Habersham County. Exhibit "A" demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Kale Brandon Allen was assigned to House District 10 in error. Kale Brandon Allen voted in the May 22, 2018 General Primary Election.

38.

Justin Wayne Andersen resides at 435 Linwood Dr, Demorest, GA 30535-5369, Habersham County. Exhibit "A" demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Justin Wayne Andersen was assigned to House District 10 in error. Justin Wayne Andersen voted in the May 22, 2018 General Primary Election.

39.

Carol Susan Arrington resides at 375 Linwood Dr, Demorest, GA 30535-5371, Habersham County. Exhibit "A" demonstrates that this address is within the boundaries of

Georgia House District 28. However, Georgia voter registration records show that Carol Susan Arrington was assigned to House District 10 in error. Carol Susan Arrington voted in the May 22, 2018 General Primary Election.

40.

Brian L. Ausburn resides at 312 Sterling Meadows Ct, Demorest, GA 30535-5196, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Brian L. Ausburn was assigned to House District 10 in error. Brian L. Ausburn voted in the May 22, 2018 General Primary Election.

41.

Kelly L. Ausburn resides at 312 Sterling Meadows Ct, Demorest, GA 30535-5196, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Kelly L. Ausburn was assigned to House District 10 in error. Kelly L. Ausburn voted in the May 22, 2018 General Primary Election.

42.

Billy Lewis Barnhill resides at 378 Sterling Meadows Ct, Demorest, GA 30535-5196, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Billy Lewis Barnhill was assigned to House District 10 in error. Billy Lewis Barnhill voted in the May 22, 2018 General Primary Election.

43.

Kellie Carpenter Gosnell resides at 299 Ansley Rd, Demorest, GA 30535-5104, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Kellie Carpenter Gosnell was assigned to House District 10 in error. Kellie Carpenter Gosnell voted in the May 22, 2018 General Primary Election.

44.

Benjamin Jock Gosnell resides at 299 Ansley Rd, Demorest, GA 30535-5104, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Benjamin Jock Gosnell was assigned to House District 10 in error. Benjamin Jock Gosnell voted in the May 22, 2018 General Primary Election.

45.

Sharon Dianna Harris resides at 220 Chenocetah Dr, Cornelia, GA 30531-3805, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Sharon Dianna Harris was assigned to House District 10 in error. Sharon Dianna Harris voted in the May 22, 2018 General Primary Election.

46.

Marvin Russell Harris resides at 220 Chenocetah Dr, Cornelia, GA 30531-3805, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Marvin

Russell Harris was assigned to House District 10 in error. Marvin Russell Harris voted in the May 22, 2018 General Primary Election.

47.

Joey Dale McClellon resides at 104 Wilson Rd, Cornelia, GA 30531-5538, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Joey Dale McClellon was assigned to House District 10 in error. Joey Dale McClellon voted in the May 22, 2018 General Primary Election.

48.

Kimberly Leah Mikowski resides at 393 Linwood Dr, Demorest, GA 30535-5371, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Kimberly Leah Mikowski was assigned to House District 10 in error. Kimberly Leah Mikowski voted in the May 22, 2018 General Primary Election.

49.

Lyndell Rose Pollack resides at 378 Sterling Meadows Ct, Demorest, GA 30535-5196, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Lyndell Rose Pollack was assigned to House District 10 in error. Lyndell Rose Pollack voted in the May 22, 2018 General Primary Election.

50.

Marianne J. Smith resides at 420 Wilson Rd, Cornelia, GA 30531-5935, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House

District 28. However, Georgia voter registration records show that Marianne J. Smith was assigned to House District 10 in error. Marianne J. Smith voted in the May 22, 2018 General Primary Election.

51.

David Terrell Squires resides at 400 Sterling Meadows Ct, Demorest, GA 30535-5197, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that David Terrell Squires was assigned to House District 10 in error. David Terrell Squires voted in the May 22, 2018 General Primary Election.

52.

Cathy June Squires resides at 400 Sterling Meadows Ct, Demorest, GA 30535-5197, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Cathy June Squires was assigned to House District 10 in error. Cathy June Squires voted in the May 22, 2018 General Primary Election.

53.

Gerald E. Murphy resides at 287 Double Bridge Rd, Demorest, GA 30535, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Gerald E. Murphy was assigned to House District 10 in error. Gerald E. Murphy voted in the May 22, 2018 General Primary Election.

54.

Mary S. Murphy resides at 287 Double Bridge Rd, Demorest, GA 30535, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Mary S. Murphy was assigned to House District 10 in error. Mary S. Murphy voted in the May 22, 2018 General Primary Election.

55.

George Chandler Dean resides at 115 Middleton Pl, Clarkesville, GA 30523-3317, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that George Chandler Dean was assigned to House District 10 in error. George Chandler Dean voted in the May 22, 2018 General Primary Election.

56.

Lisa J. Dean resides at 115 Middleton Pl, Clarkesville, GA 30523-3317, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Lisa J. Dean was assigned to House District 10 in error. Lisa J. Dean voted in the May 22, 2018 General Primary Election.

57.

Helen M. Decker resides at 139 Midland Dr, Clarkesville, GA 30523-3389, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Helen M. Decker was assigned to House District 10 in error. Helen M. Decker voted in the May 22, 2018 General Primary Election.

58.

Clarence C. Decker resides at 139 Midland Dr, Clarkesville, GA 30523-3389, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Clarence C. Decker was assigned to House District 10 in error. Clarence C. Decker voted in the May 22, 2018 General Primary Election.

59.

Patricia G. Bower resides at 564 Middleton Pl, Clarkesville, GA 30523-3368, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Patricia G. Bower was assigned to House District 10 in error. Patricia G. Bower voted in the May 22, 2018 General Primary Election.

60.

Kathy H. Carpenter resides at 287 Morgan Dr, Clarkesville, GA 30523-3933, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Kathy H. Carpenter was assigned to House District 10 in error. Kathy H. Carpenter voted in the May 22, 2018 General Primary Election.

61.

Thurman Lee Carpenter resides at 287 Morgan Dr, Clarkesville, GA 30523-3933, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Thurman Lee

Carpenter was assigned to House District 10 in error. Thurman Lee Carpenter voted in the May 22, 2018 General Primary Election.

62.

Donald Stuart Higginbotham resides at 1002 Thacker Rd, Clarkesville, GA 30523, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Donald Stuart Higginbotham was assigned to House District 10 in error. Donald Stuart Higginbotham voted in the May 22, 2018 General Primary Election.

63.

Nancy M. Higginbotham resides at 1002 Thacker Rd, Clarkesville, GA 30523, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Nancy M. Higginbotham was assigned to House District 10 in error. Nancy M. Higginbotham voted in the May 22, 2018 General Primary Election.

64.

Ray E. Camp, resides at 156 Midland Ct, Clarkesville, GA 30523-3352, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 28. However, Georgia voter registration records show that Ray E. Camp was assigned to House District 10 in error. Ray E. Camp voted in the May 22, 2018 General Primary Election.

Voters Assigned to HD 28 that Live in HD 10

65.

Robert B. Hilton resides at 1424 W Glade Creek Rd, Clarkesville, GA 30523-4314, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of

Georgia House District 10. However, Georgia voter registration records show that Robert B. Hilton was assigned to House District 28 in error. Robert B. Hilton voted in the May 22, 2018 General Primary Election.

66.

Debra E. Wood resides at 1350 Hollywood Church Rd, Clarkesville, GA 30523-3928, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 10. However, Georgia voter registration records show that Debra E. Wood was assigned to House District 28 in error. Debra E. Wood voted in the May 22, 2018 General Primary Election.

67.

David Allen Wood resides at 1350 Hollywood Church Rd, Clarkesville, GA 30523-3928, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 10. However, Georgia voter registration records show that David Allen Wood was assigned to House District 28 in error. David Allen Wood voted in the May 22, 2018 General Primary Election.

68.

Betty Jane May resides at 1273 Hollywood Church Rd, Clarkesville, GA 30523-3919, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 10. However, Georgia voter registration records show that Betty Jane May was assigned to House District 28 in error. Betty Jane May voted in the May 22, 2018 General Primary Election.

69.

Lisa Michele Pickelsimer resides at 845 Hollywood Church Rd, Clarkesville, GA 30523-3949, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 10. However, Georgia voter registration records show that Lisa Michele Pickelsimer was assigned to House District 28 in error. Lisa Michele Pickelsimer voted in the May 22, 2018 General Primary Election.

70.

Marcus W. Pickelsimer resides at 845 Hollywood Church Rd, Clarkesville, GA 30523-3949, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 10. However, Georgia voter registration records show that Marcus W. Pickelsimer was assigned to House District 28 in error. Marcus W. Pickelsimer voted in the May 22, 2018 General Primary Election.

71.

Christopher Nathaniel Woods resides at 840 Hollywood Church Rd, Clarkesville, GA 30523, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 10. However, Georgia voter registration records show that Christopher Nathaniel Woods was assigned to House District 28 in error. Christopher Nathaniel Woods voted in the May 22, 2018 General Primary Election.

72.

Thomas Hayne Cooper resides at 770 Hollywood Church Rd, Clarkesville, GA 30523-3979, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 10. However, Georgia voter registration records show that Thomas

Hayne Cooper was assigned to House District 28 in error. Thomas Hayne Cooper voted in the May 22, 2018 General Primary Election.

73.

Margaret Helen Pollard resides at 155 Hollywood Church Rd, Clarkesville, GA 30523-3914, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 10. However, Georgia voter registration records show that Margaret Helen Pollard was assigned to House District 28 in error. Margaret Helen Pollard voted in the May 22, 2018 General Primary Election.

74.

Joshua Neil Jones resides at 231 Dry Fls, Clarkesville, GA 30523-3395, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 10. However, Georgia voter registration records show that Joshua Neil Jones was assigned to House District 28 in error. Joshua Neil Jones voted in the May 22, 2018 General Primary Election.

75.

Angela A. Young resides at 188 Dry Fls, Clarkesville, GA 30523-3338, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 10. However, Georgia voter registration records show that Angela A. Young was assigned to House District 28 in error. Angela A. Young voted in the May 22, 2018 General Primary Election.

76.

James William Webb resides at 101 Tomahawk Dr, Clarkesville, GA 30523, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House

District 10. However, Georgia voter registration records show that James William Webb was assigned to House District 28 in error. James William Webb voted in the May 22, 2018 General Primary Election.

77.

Karen Holbrook Webb resides at 101 Tomahawk Dr, Clarkesville, GA 30523, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 10. However, Georgia voter registration records show that Karen Holbrook Webb was assigned to House District 28 in error. Karen Holbrook Webb voted in the May 22, 2018 General Primary Election.

78.

Ronald Lamar Carroll resides at 126 Jasmine Trl, Clarkesville, GA 30523, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 10. However, Georgia voter registration records show that Ronald Lamar Carroll was assigned to House District 28 in error. Ronald Lamar Carroll voted in the May 22, 2018 General Primary Election.

79.

Keith D. Ivester resides at 3517 Hollywood Hwy, Clarkesville, GA 30523-4871, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 10. However, Georgia voter registration records show that Keith D. Ivester was assigned to House District 28 in error. Keith D. Ivester voted in the May 22, 2018 General Primary Election.

80.

Darryl Wayne Garrett resides at 3151 Hollywood Hwy, Clarkesville, GA 30523-4812, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 10. However, Georgia voter registration records show that Darryl Wayne Garrett was assigned to House District 28 in error. Darryl Wayne Garrett voted in the May 22, 2018 General Primary Election.

81.

Patricia Stephens Garrett resides at 3151 Hollywood Hwy, Clarkesville, GA 30523-4812, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 10. However, Georgia voter registration records show that Patricia Stephens Garrett was assigned to House District 28 in error. Patricia Stephens Garrett voted in the May 22, 2018 General Primary Election.

82.

Renee Hand Morris resides at 3045 Hollywood Hwy, Clarkesville, GA 30523-4869, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 10. However, Georgia voter registration records show that Renee Hand Morris was assigned to House District 28 in error. Renee Hand Morris voted in the May 22, 2018 General Primary Election.

83.

Flora Argen Hicks resides at 2497 Hollywood Hwy, Clarkesville, GA 30523-4864, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 10. However, Georgia voter registration records show that Flora Argen

Hicks was assigned to House District 28 in error. Flora Argen Hicks voted in the May 22, 2018 General Primary Election.

84.

David B. Franklin resides at 298 Grey Fox Trl, Clarkesville, GA 30523-3975, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 10. However, Georgia voter registration records show that David B. Franklin was assigned to House District 28 in error. David B. Franklin voted in the May 22, 2018 General Primary Election.

85.

Tina Michelle Franklin resides at 298 Grey Fox Trl, Clarkesville, GA 30523-3975, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 10. However, Georgia voter registration records show that Tina Michelle Franklin was assigned to House District 28 in error. Tina Michelle Franklin voted in the May 22, 2018 General Primary Election.

86.

Angela Simmons Butler resides at 615 W Glade Creek Rd, Clarkesville, GA 30523-4318, Habersham County. Exhibit “A” demonstrates that this address is within the boundaries of Georgia House District 10. However, Georgia voter registration records show that Angela Simmons Butler was assigned to House District 28 in error. Angela Simmons Butler voted in the May 22, 2018 General Primary Election.

LEGAL ANALYSIS

Overview of Legal Framework for Election Contests

87.

O.C.G.A. § 21-2-520 *et seq.* permits candidates to contest the result of primary elections in Georgia.

88.

O.C.G.A. § 21-2-522 establishes that elections may be contested on one or more of the following grounds:

- (1) The contestant's qualification to institute the contest;
- (2) The contestant's desire to contest the result of such primary or election and the name of the nomination, office, or question involved in the contest;
- (3) The name of the defendant;
- (4) The name of each person who was a candidate at such primary or election for such nomination or office in the case of a contest involving same;
- (5) Each ground of contest;
- (6) The date of the official declaration of the result in dispute;
- (7) The relief sought; and
- (8) Such other facts as are necessary to provide a full, particular, and explicit statement of the cause of contest.

89.

O.C.G.A. § 21-2-527 establishes that a court has the power to declare an election invalid and can call for a second election.

Count I: Misconduct and Irregularities by Election Officials

90.

The Board assigned voters in Habersham County to the wrong State House districts.

91.

This failure led to voters in HD 10 receiving ballots for the HD 28 elections, and voters in HD 28 receiving ballots for the HD 10 election.

92.

As a result, irregularities and misconduct in voting were created in both HD 28 and in HD 10 as voters in both districts could not vote for the correct State House races. In fact, voters in both districts were forced to vote for the wrong candidates because they did not have the correct ballots.

93.

Voters in HD 28, many of which have stated that they would vote for Mr. Gasaway, could not do so.

94

At least 350 misassignments have been found, and at least 67 voters voted in the wrong election.

95.

Only 67 votes decided the Election.

96.

At least 67 votes resulted from irregularities, when only 67 votes decided the Election. These 67 votes are sufficient to change or place in doubt the result. Thus, the Election should be set aside and a new election ordered.

Count II: Illegal Votes Cast in the Election

97.

The Board assigned voters in Habersham County to the wrong State House districts.

98.

This failure led to voters in HD 10 receiving ballots for the HD 28 Elections, and voters in HD 28 receiving ballots for the HD 10 election.

99.

Thus, voters in both HD 10 and HD 28 voted in the wrong election. These votes are illegal, showing that illegal votes were received, and voters were improperly disenfranchised.

100.

At least 350 misassignments have been found, and at least 67 voters voted in the wrong election making those votes illegal.

101.

Only 67 votes decided the Election.

102.

At least 67 illegal votes were received, when only 67 votes decided the Election. These illegal votes are sufficient to change or place in doubt the result. Thus, the Election should be set aside and a new election ordered.

Prayer for Relief

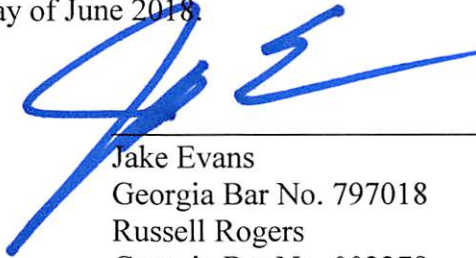
WHEREFORE, Gasaway respectfully requests that:

- (a) The May 22, 2018 Republican Party Primary Election for Georgia House of Representatives District 28 be set aside and voided and a new election ordered;
- (b) The Court order Habersham County to correct the voter rolls by allocating voters to their correct legislative districts;
- (b) The Petition be decided by the Court in a bench trial;

(c) The Court award Gasaway reasonable attorneys' fees, litigation expenses, and other costs incurred by filing this Petition as permitted under O.C.G.A. § 21-2-529;

(d) The Court award Gasaway such other, further, and different relief as the Court may deem just and proper.

Respectfully submitted this 6th day of June 2018.



Jake Evans
Georgia Bar No. 797018
Russell Rogers
Georgia Bar No. 002278

THOMPSON HINE LLP
3560 Lenox Road, Suite 1600
Atlanta, Georgia 30326
(404) 541-2900 – Main
(404) 541-2905 – Facsimile

Attorneys for Petitioner Dan Gasaway

CERTIFICATE OF SERVICE FOR STATE ELECTION BOARD

This is to certify that on this date, pursuant to O.C.G.A. § 21-2-524(b), this Petition was served on the Chairman of the State Election Board, Brian Kemp, by certified mail.

This 6th Day of June 2018.



Jake Evans
Georgia Bar No. 797018
Russell Rogers
Georgia Bar No. 002278

THOMPSON HINE LLP
3560 Lenox Road, Suite 1600
Atlanta, Georgia 30326
(404) 541-2900 – Main
(404) 541-2905 – Facsimile

Attorneys for Petitioner Dan Gasaway

EXHIBIT “A”



Georgia General Assembly
Legislative and Congressional Reapportionment Office
Coverdell Legislative Office Building, Suite 407
18 Capitol Square SW
Atlanta, Georgia 30334
404-656-5063

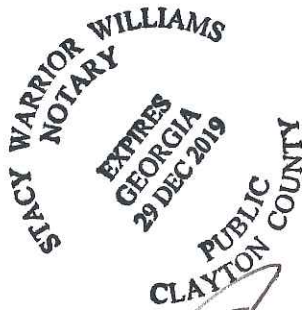
June 6, 2018

This certifies that the attached maps show the district lines for state House districts 10 and 28 and a detailed view of the state House district lines in Habersham County, Georgia.

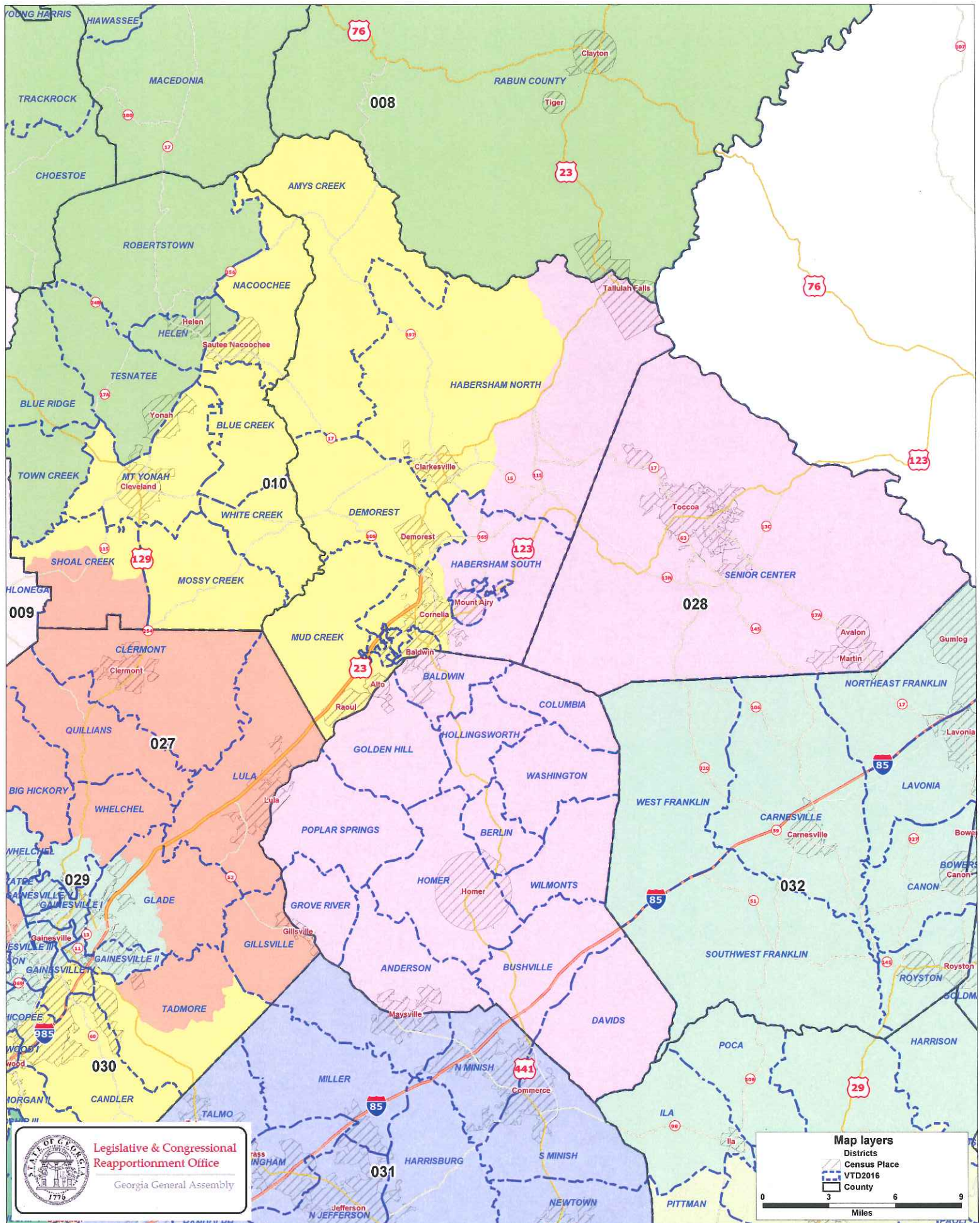
This further certifies that these district lines on the attached maps contain a true and accurate representation of the information maintained by the Legislative and Congressional Reapportionment Office of the Georgia General Assembly and accurately reflect information from the state House district map adopted by the General Assembly in House Bill 1 EX (Act 1 EX)(2011) pre-cleared under Section 5 by the United States Attorney General, for use beginning in the 2012 election cycle, amended by House Bill 829 (Act 277)(2012), pre-cleared under Section 5 by the United States Attorney General, for use beginning in the 2014 election cycle, and further amended by House Bill 566 (Act 251)(2015), effective May 12, 2015.

Gina H. Wright

Gina H. Wright
Executive Director
Legislative and Congressional Reapportionment Office



Stacy Warrior Williams
6/6/18



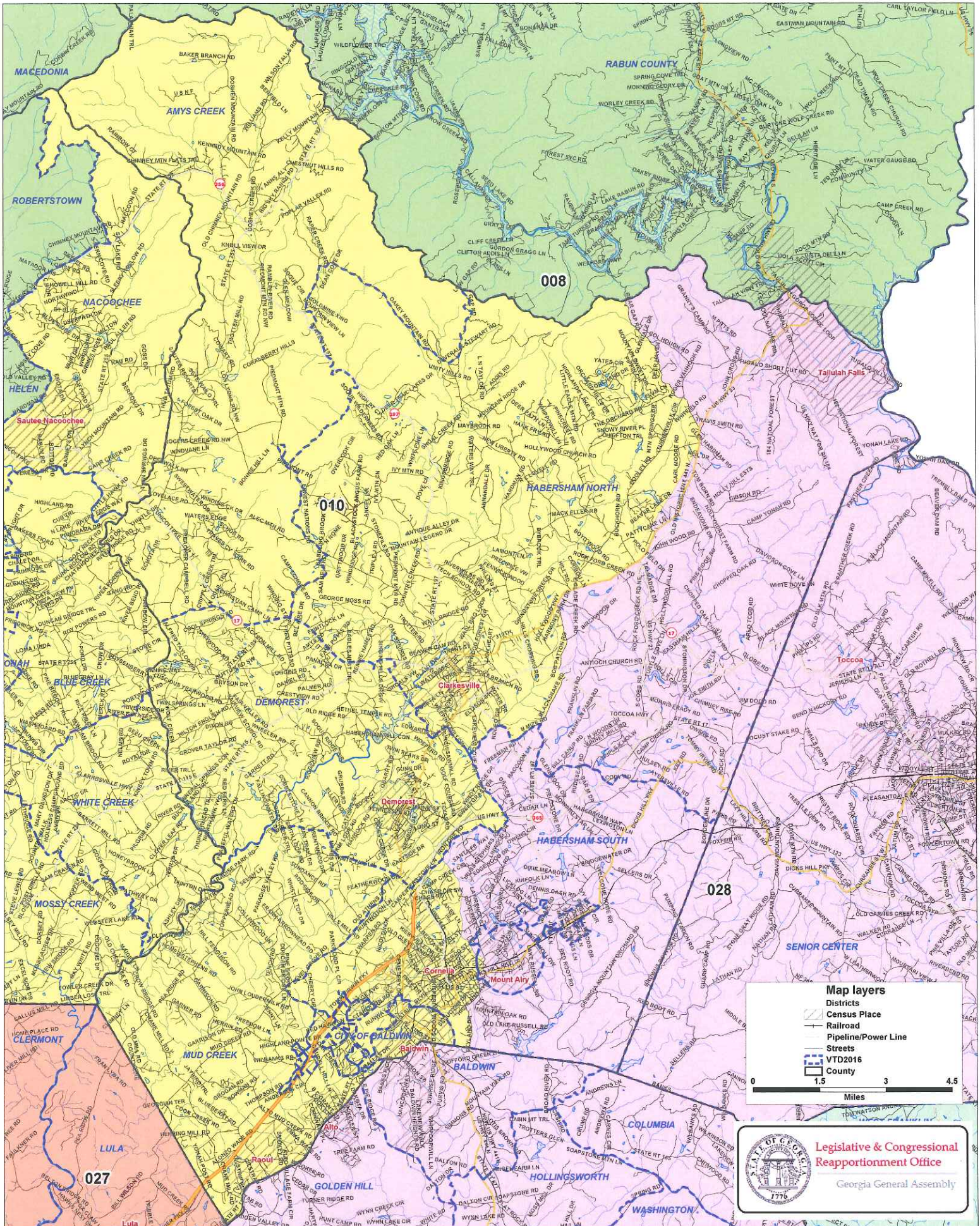


EXHIBIT “B”

AFFIDAVIT OF DAN GASAWAY

This Affidavit by Dan Gasaway verifies the facts contained in this Petition in accordance with O.C.G.A. § 21-2-524(d).

Personally, appeared before the undersigned, duly authorized to administer oaths in this state, Dan Gasaway, who being first duly sworn, deposes and states as follows:

1.

My name is Dan Gasaway. I am over the age of 18, and I am competent to make this Affidavit, which is based on my personal knowledge.

2.

My residence is located at 1446 Scales Creek Road, Homer, Georgia 30547, Banks County, which is within the 28th District of the Georgia House of Representatives ("HD 28"). I currently serve as the Representative for HD 28 and was a candidate in the May 22, 2018 Republican Party Primary for re-election to represent HD 28.

(continued on the following page)

1.

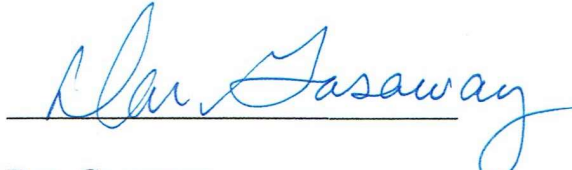
I believe the facts alleged in this Petition are true. According to the best of my knowledge and belief, I believe the result of the 2018 General Primary for Georgia State House District 28 is illegal and the return thereof incorrect.

1.

This Petition has been made and filed in good faith.

FURTHER AFFIANT SAYETH NOT.

Sworn to and subscribed before
me this 6 day of June 2018.


Dan Gasaway

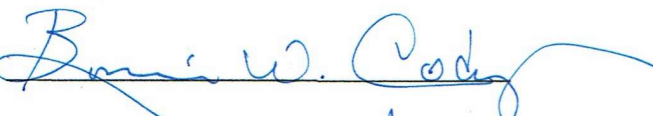
Notary Public: 
My Commission Expires: 6/27/2021



EXHIBIT “C”

AFFIDAVIT OF KATIE JOY HARTRICK

Personally appeared before the undersigned, duly authorized to administer oaths in this state, Katie Joy Hartrick, who being first duly sworn, deposes and states as follows:

1.

I am competent to provide this Affidavit. I have personal knowledge of the matters described in this Affidavit.

2.

I am a resident of the state of Georgia, a citizen of the United States, and over 18 years of age. I have never been charged with a felony of moral turpitude, nor have I ever been determined mentally incompetent by any court of this state or any other state. I am a registered voter of the State of Georgia and meet all statutory qualifications as provided by O.C.G.A. § 21-2-216.

1.

My residence is located at 620 Elderberry Court, Demorest, Georgia 30535, Habersham County. I have resided at this address continuously since August 2016. This address is within Georgia State House District 28.

1.

In 2016, the state house district that appeared on my ballot when I voted was House District 28, and I voted for Dan Gasaway. At the time of that election, I was assigned to the Center Hill Precinct.

1.

Between the 2016 Election Cycle and the 2018 Election Cycle, the Habersham County Board of Elections and Registration realigned precinct boundaries in the County. During that process, I was moved from the Center Hill Precinct to the Habersham South Precinct.

1.

When I voted on Tuesday, May 22, 2018 Representative Terry Rogers for House District 10 appeared on my ballot; Representative Dan Gasaway did not appear on my ballot. I believe this is incorrect since I live in House District 28.

1.

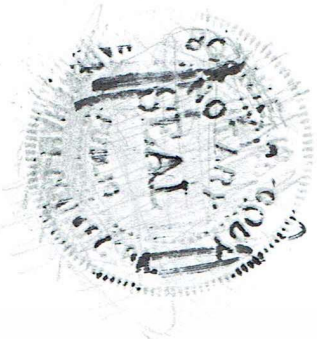
It is my belief that the Habersham County Board of Elections and Registration assigned me to the wrong state house district.

FURTHER AFFIANT SAYETH NOT.

Sworn to and subscribed before
me this 6 day of June 2018.

Katie Joy Hartrick
Katie Joy Hartrick

Notary Public: Bonnie W. Cody
My Commission Expires: 6/27/21



AFFIDAVIT OF RYAN NICHOLAS HARTRICK

Personally appeared before the undersigned, duly authorized to administer oaths in this state, Ryan Nicholas Hartrick, who being first duly sworn, deposes and states as follows:

1.

I am competent to provide this Affidavit. I have personal knowledge of the matters described in this Affidavit.

2.

I am a resident of the state of Georgia, a citizen of the United States, and over 18 years of age. I have never been charged with a felony of moral turpitude, nor have I ever been determined mentally incompetent by any court of this state or any other state. I am a registered voter of the State of Georgia and meet all statutory qualifications as provided by O.C.G.A. § 21-2-216.

1.

My residence is located at 620 Elderberry Court, Demorest, Georgia 30535, Habersham County. I have resided at this address continuously since August 2016. This address is within Georgia State House District 28.

1.

In 2016, the state house district that appeared on my ballot when I voted was House District 28, and I voted for Dan Gasaway. At the time of that election, I was assigned to the Center Hill Precinct.

1.

Between the 2016 Election Cycle and the 2018 Election Cycle, the Habersham County Board of Elections and Registration realigned precinct boundaries in the County. During that process, I was moved from the Center Hill Precinct to the Habersham South Precinct.

1.


When I voted on Tuesday, May 22, 2018 Representative Terry Rogers for House District 10 appeared on my ballot; Representative Dan Gasaway did not appear on my ballot. I believe this is incorrect since I live in House District 28.

1.

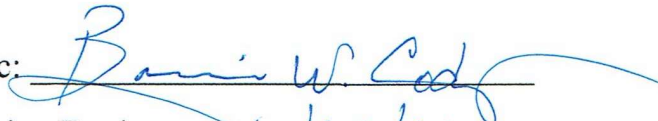
It is my belief that the Habersham County Board of Elections and Registration assigned me to the wrong state house district.

FURTHER AFFIANT SAYETH NOT.

Sworn to and subscribed before
me this 6 day of June 2018.


Ryan Nicholas Hartrick

Notary Public:



My Commission Expires:

6/27/21



EXHIBIT “D”

FIRST	MIDDLE	LAST	ADDRESS	CITY	STATE	ZIP
John	William	Kaniewski	411 Linwood Dr	Demorest	GA	30535-5369
Charles	M.	Miller	386 Chenocetah Dr	Cornelia	GA	30531-3807
Sarah	E.	Smith	294 Wilson Rd	Cornelia	GA	30531-5560
Casey	Aaron	Dover	253 Sterling Meadows Dr	Demorest	GA	30535-5195
Alice	Cates	Dover	253 Sterling Meadows Dr	Demorest	GA	30535-5195
Katie	Joy	Hartrick	620 Elderberry Ct	Demorest	GA	30535-5374
Ryan	Nicholas	Hartrick	620 Elderberry Ct	Demorest	GA	30535-5374
Barbara	Harper	King	321 Sterling Meadows Ct	Demorest	GA	30535-5196
Kevin	Nelson	King	321 Sterling Meadows Ct	Demorest	GA	30535-5196
Dustin	Thomas	Mealor	408 Chenocetah Dr	Cornelia	GA	30531-3854
Hope	Green	Mealor	408 Chenocetah Dr	Cornelia	GA	30531-3854
Pam	W.	Miller	386 Chenocetah Dr	Cornelia	GA	30531-3807
Richard	Allen	Smith	294 Wilson Rd	Cornelia	GA	30531-5560
Jana	Celeste	Ward	436 Ansley Rd	Demorest	GA	30535-5101
Doris	E.	Wilson	349 Wilson Rd	Cornelia	GA	30531-5567
Kenneth	Eugene	Brooksher	574 Grand Ave	Cornelia	GA	30531-3813
Sheri	Laine	Allen	472 Linwood Dr	Demorest	GA	30535-5373
Kale	Brandon	Allen	472 Linwood Dr Apt F	Demorest	GA	30535-5373
Justin	Wayne	Andersen	435 Linwood Dr	Demorest	GA	30535-5369
Carol	Susan	Arrington	375 Linwood Dr	Demorest	GA	30535-5371
Brian	L.	Ausburn	312 Sterling Meadows Ct	Demorest	GA	30535-5196
Kelly	L.	Ausburn	312 Sterling Meadows Ct	Demorest	GA	30535-5196
Billy	Lewis	Barnhill	378 Sterling Meadows Ct	Demorest	GA	30535-5196
Kellie	Carpenter	Gosnell	299 Ansley Rd	Demorest	GA	30535-5104
Benjamin	Jock	Gosnell	299 Ansley Rd	Demorest	GA	30535-5104
Sharon	Dianna	Harris	220 Chenocetah Dr	Cornelia	GA	30531-3805
Marvin	Russell	Harris	220 Chenocetah Dr	Cornelia	GA	30531-3805
Joey	Dale	Mcclellon	104 Wilson Rd	Cornelia	GA	30531-5538
Kimberly	Leah	Mikowski	393 Linwood Dr	Demorest	GA	30535-5371
Lyndell	Rose	Pollack	378 Sterling Meadows Ct	Demorest	GA	30535-5196
Marianne	J.	Smith	420 Wilson Rd	Cornelia	GA	30531-5935
David	Terrell	Squires	400 Sterling Meadows Ct	Demorest	GA	30535-5197

FIRST	MIDDLE	LAST	ADDRESS	CITY	STATE	ZIP
Cathy	June	Squires	400 Sterling Meadows Ct	Demorest	GA	30535-5197
Gerald	E.	Murphy	287 Double Bridge Rd	Demorest	GA	30535
Mary	S.	Murphy	287 Double Bridge Rd	Demorest	GA	30535
George	Chandler	Dean	115 Middleton Pl	Clarkesville	GA	30523-3317
Lisa	J.	Dean	115 Middleton Pl	Clarkesville	GA	30523-3317
Helen	M.	Decker	139 Midland Dr	Clarkesville	GA	30523-3389
Clarence	C.	Decker	139 Midland Dr	Clarkesville	GA	30523-3389
Patricia	G.	Bower	564 Middleton Pl	Clarkesville	GA	30523-3368
Kathy	H.	Carpenter	287 Morgan Dr	Clarkesville	GA	30523-3933
Thurman	Lee	Carpenter	287 Morgan Dr	Clarkesville	GA	30523-3933
Donald	Stuart	Higginbotham	1002 Thacker Rd	Clarkesville	GA	30523
Nancy	M.	Higginbotham	1002 Thacker Rd	Clarkesville	GA	30523
Ray	E.	Camp	156 Midland Ct	Clarkesville	GA	30523-3352

House District 28 Voters that should be in House District 10

FIRST NAME	MIDDLE NAME	LAST NAME	ADDRESS	CITY	STATE	ZIP
Robert	B.	Hilton	1424 W Glade Creek Rd	Clarkesville	GA	30523-4314
Debra	E.	Wood	1350 Hollywood Church Rd	Clarkesville	GA	30523-3928
David	Allen	Wood	1350 Hollywood Church Rd	Clarkesville	GA	30523-3928
Betty	Jane	May	1273 Hollywood Church Rd	Clarkesville	GA	30523-3919
Lisa	Michele	Pickelsimer	845 Hollywood Church Rd	Clarkesville	GA	30523-3949
Marcus	W.	Pickelsimer	845 Hollywood Church Rd	Clarkesville	GA	30523-3949
Christopher	Nathaniel	Woods	840 Hollywood Church Rd	Clarkesville	GA	30523
Thomas	Hayne	Cooper	770 Hollywood Church Rd	Clarkesville	GA	30523-3979
Margaret	Helen	Pollard	155 Hollywood Church Rd	Clarkesville	GA	30523-3914
Joshua	Neil	Jones	231 Dry Fls	Clarkesville	GA	30523-3395
Angela	A.	Young	188 Dry Fls	Clarkesville	GA	30523-3338
James	William	Webb	101 Tomahawk Dr	Clarkesville	GA	30523
Karen	Holbrook	Webb	101 Tomahawk Dr	Clarkesville	GA	30523
Ronald	Lamar	Carroll	126 Jasmine Trl	Clarkesville	GA	30523
Keith	D.	Ivester	3517 Hollywood Hwy	Clarkesville	GA	30523-4871
Darryl	Wayne	Garrett	3151 Hollywood Hwy	Clarkesville	GA	30523-4812
Patricia	Stephens	Garrett	3151 Hollywood Hwy	Clarkesville	GA	30523-4812
Renee	Hand	Morris	3045 Hollywood Hwy	Clarkesville	GA	30523-4869
Flora	Argen	Hicks	2497 Hollywood Hwy	Clarkesville	GA	30523-4864
David	B.	Franklin	298 Grey Fox Trl	Clarkesville	GA	30523-3975
Tina	Michelle	Franklin	298 Grey Fox Trl	Clarkesville	GA	30523-3975
Angela	Simmons	Butler	615 W Glade Creek Rd	Clarkesville	GA	30523-4318